

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HANK SPACONE, on behalf of and as
Trustee for the General Unsecured
Creditors' Liquidating Trust of At
Home Corporation, and on behalf of and
in the name of the At Home Liquidating
Trust of At Home Corporation,

No. C 03-4739 CW

ORDER DISMISSING
THE ACTION

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant/Counterclaim
Plaintiff,

v.

HANK SPACONE, on behalf of and as
Trustee for the General Unsecured
Creditors' Liquidating Trust of At
Home Corporation, and on behalf of and
in the name of the At Home Liquidating
Trust of At Home Corporation, and
JACQUELYN CRAWFORD, as Trustee for the
At Home Liquidating Trust of At Home
Corporation,

Counterclaim Defendants.

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On November 26, 2007, the Federal Circuit issued its mandate
in this case holding that Plaintiff Hank Spacone, on behalf of and
as Trustee for the General Unsecured Creditors' Liquidating Trust
of At Home Corporation, and on behalf of and in the name of the At

1 Home Liquidating Trust of At Home Corporation, does not have
2 standing to sue Defendant Microsoft Corporation for infringement of
3 the '647 patent. Accordingly, the Court does not have jurisdiction
4 over this action, and Plaintiff's claims are DISMISSED. The
5 judgment dated March 10, 2006 (Docket No. 243) is VACATED.
6 Judgment shall enter for Defendant; Defendant shall recover its
7 costs of the action.

8 IT IS SO ORDERED.

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11 Dated: 12/13/07

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CLAUDIA WILKEN
United States District Judge